

REMARKS

Paragraph [0077] of the specification has been amended to add incomplete reference information. It is respectfully submitted that no new matter has been added and entry into the record is respectfully requested.

The following is responsive to the Examiner's Supplementary Office Action sent by Facsimile transmission on June 20, 2005 and by US mail on June 23, 2005. At the time the Examiner mailed the Office Action claims 1-28 were pending. By way of the present response:

Claim 3 has been amended.

Claims 11 to 22 have been canceled.

New claims 29 to 40 have been added.

It is respectfully submitted that the new claims include no new matter and are supported by the specification and drawings as originally filed. Entry into the record and examination of new claims 29 to 40 is respectfully requested.

Thus, claims 1-10 and 23-40 are presently presented.

Objections

Claims

The Office Action has objected to claim 3 as being informal.

Claim 3 has been amended as suggested by the Examiner.

It is respectfully submitted that the amended claim 3 contains no new matter and overcomes the Office Action's objection as to claim 3. Entry into the record, reconsideration and withdrawal of the objection is respectfully requested.

Claim Rejections

35 U.S.C. §102(e) Rejections

The Office Action has rejected claims 1, 23 and 9-10 under 35 U.S.C. §102(e) as being anticipated by Sutton, et al. U.S. Publication 2004/0185922 (hereinafter "Sutton").

Claim 1. It is respectfully submitted that the Office Action does not disclose or teach all the limitations of claim 1. For example, claim 1 recites, in part, *"...wherein the first operational mode is associated with a first **physical orientation** of the data processing device ..."* (emphasis added). The Examiner has written *"...Regarding claims 1, Sutton et al. teaches ... wherein the first*

operational mode is associated with a first physical orientation of the data processing device and ... (page 1; section 0005 and page 2, section 0020)..."

It is respectfully submitted that Sutton is entirely silent as to "*physical orientation*" both in (page 1; section 0005 and page 2, section 0020) and elsewhere.

Put simply, the embodiments of Sutton operate to *generate (inter alia)* image orientation responsive to operational mode. This is in contrast with the reverse - generating operational mode *responsive to orientation* as in the invention of at least claim 1.

Thus, Sutton cannot teach or disclose all the limitations of claim 1 and it is respectfully submitted that no showing of anticipation has been made. For at least the reasons recited above it is respectfully requested that the rejection of claim 1, under 35 USC§102(e) be withdrawn.

Claim 23. It is respectfully submitted that the Office Action does not disclose or teach all the limitations of claim 23. For example, claim 23 recites, in part, "*...a first group of control elements to perform data entry functions within a first **physical orientation** ...*" (emphasis added). The Examiner has written "*...Regarding claims 23, Sutton et al. teaches a data processing device having a data entry mode and a telephony mode comprising: a first group of control elements to perform data entry functions within a first physical orientation when the data processing device is in the data entry mode (page 1, section 0005-0006 and page 2, section 0020 and page 3, section 0023))*."

It is respectfully submitted that Sutton is entirely silent as to "*physical orientation*" in page 1; section 0005-0006, page 2, section 0020, page 3, section 0023 and elsewhere. Thus, Sutton cannot teach or disclose all the limitations of claim 23 and it is respectfully submitted that no showing of anticipation has been made. For at least the reasons recited above it is respectfully requested that the rejection of claim 23, under 35 USC§102(e) be withdrawn.

Claims 9-10. Claims 9 and 10 are each dependent, directly or indirectly, upon claim 1 therefore it is respectfully submitted that claims 9 and 10 are allowable for at least the same reasons as claim 1. For at least this reason it is respectfully requested that the rejections of claims 9 and 10, under 35 USC§102(e) be withdrawn.

35 U.S.C. §103(a) Rejections

The Office Action has rejected claims 2, 11, 14-18 and 24 under 35 U.S.C. §103(a) as being unpatentable over Sutton, et al. U.S. Publication 2004/0185922 (hereinafter "Sutton"), in view of England, U.S. Patent 6,483,445 (hereinafter "England").

Claim 2. Claim 2 is dependent upon claim 1 therefore it is respectfully submitted that claim 2 is allowable for at least the same reasons as claim 1. For at least this reason it is respectfully requested that the rejection of claim 2, under 35 U.S.C. §103(a) be withdrawn.

Claim 11. Claim 11 has been canceled thus rendering its rejection moot.

Claims 14-18. Claims 14-18 have been canceled thus rendering their rejection moot.

Claim 24. Claim 24 is dependent upon claim 23 therefore it is respectfully submitted that claim 24 is allowable for at least the same reasons as claim 23 as discussed supra. For at least this reason it is respectfully requested that the rejection of claim 24, under 35 U.S.C. §103(a) be withdrawn.

The Office Action has further rejected claims 3-8 and 27-28 under 35 U.S.C. 103(a) as being unpatentable over Sutton, et al. U.S. Publication 2004/0185922 (hereinafter "Sutton"), in view of Okawa, U.S. Publication 2004/0259599 (hereinafter "Okawa").

Claims 3-8. Claims 3-8 are dependent, directly or indirectly, upon claim 1 therefore it is respectfully submitted that claims 3-8 are allowable for at least the same reasons as claim 1. For at least this reason it is respectfully requested that the rejection of Claims 3-8, under 35 U.S.C. §103(a) be withdrawn.

Claims 27-28. Claims 27-28 are dependent, directly or indirectly, upon claim 23 therefore it is respectfully submitted that claims 27-28 are allowable for at least the same reasons as claim 23. For at least this reason it is respectfully requested that the rejection of Claims 27-28, under 35 U.S.C. §103(a) be withdrawn.

The Office Action has rejected claims 12, 13, 19-22 and 25 under 35 U.S.C. 103(a) as being unpatentable over Sutton, et al. U.S. Publication 2004/0185922 (hereinafter "Sutton"), in view of England, U.S. Patent 6,483,445 (hereinafter "England") as applied to claims 2, 11, 14-18 and 24 above, and further in view of Okawa, U.S. Publication 2004/0259599 (hereinafter "Okawa").

Claims 12 and 13. Claims 12 and 13 have been canceled thus rendering their rejection moot.

Claims 19-22. Claims 19-22 have been canceled thus rendering their rejection moot.

Claim 25. Claim 25 is indirectly dependent upon claim 23 therefore it is respectfully submitted that claim 25 is allowable for at least the same reasons as claim 23. For at least this reason it is respectfully requested that the rejection of claim 25, under 35 U.S.C. §103(a) be withdrawn.

New Claims.

Claims 29 to 40 have been added and it is respectfully submitted that they introduce no new matter and are fully supported by the specification and drawings as originally filed.

For example (claim 29), "*control elements associated with a plurality of functions*" is supported (inter alia) by paragraph [0038] of the specification. Similarly (claim 29), "*operation mode selection module*", "*operational mode sensor*" and

“detecting a correct operating mode” may each be found in paragraph [0067] and in Figure 15.

Likewise, claim 33 recites *“mechanical trigger”* and claim 34 recites *“motion sensor”*, both of which are supported in paragraph [0043] of the specification. Moreover, in claim 35, *“selection of an operational mode”* is supported in paragraph [0067] and (claim 35) *“identify a selected one of a plurality of orientations”* is supported, by paragraph [0043]. Also (claim 35) *“functions being modified in response to change in operational mode ...”* is supported in paragraph [0038] of the specification.

Also (claims 36 and 37) *“operation mode selection module is responsive to an output of the operational mode sensor”* is supported jointly by paragraphs [0043], [0067] and figure 15.

“Logical triggers” (claim s 39 and 40) are supported, *inter alia* by paragraph [0043].

In light of the comments above, reconsideration of claims 1-10 and 23-28, and examination on the merits of new claims 29-40 is respectfully requested.

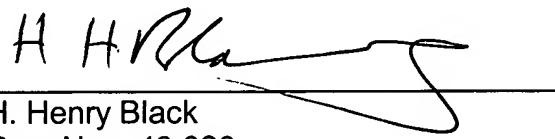
CONCLUSION

It is respectfully submitted that all rejections have been overcome and that all presently presented claims 1-10 and 23-40 are in condition for allowance or allowability.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, the Examiner is cordially invited to contact the author at (408) 720-8300 (Pacific Time).

Respectfully Submitted,
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